

REMARKS

Claims 1-16 are pending in the application. Claims 14-16 have been withdrawn from further consideration as being directed to non-elected invention. Claims 1-13 have been examined on the merits. The amendments to the specification have been made to delete an embedded hyperlink. The amendments to the claims have been made to further clarify the present invention. Support for the amended claim 1 can be found at *inter alia*, page 11 in the specification. Support for the amended claim 7 can be found at *inter alia*, page 4 in the specification. Support for the amended claims 8 and 11 can be found at *inter alia*, pages 9-11 in the specification. Claims 9 and 12 have been amended to correct typographical errors. Accordingly, no new matter has been inserted into the application.

Specification

The disclosure has been objected to because it contains an embedded hyperlink at page 29 in the specification. The hyperlink "http://" has been deleted in the specification as suggested by the Examiner.

Claims 9 and 12 have been objected to because of informalities. Claims 9 and 12 have been amended to correct the mistyped word "~~with~~" by replacing it with "which" as suggested by the Examiner.

Therefore, this objection has been overcome.

Claim Rejection Under 35 U.S.C. § 101

Claim 7 has been rejected as being directed to non-statutory matter because the Examiner believes that the claim is drawn to a product of nature. Applicants traverse this rejection.

Reconsideration and withdrawal thereof are respectfully requested.

However, claim 7 has been amended so that the claimed plant tissue or seed comprises the isolated polynucleotide of claim 1 as suggested by the Examiner.

Therefore, it is believed that this rejection has been overcome.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 8-10 and 11-13 have been rejected as being incomplete for omitting essential steps. Applicants traverse this rejection. Reconsideration and withdrawal thereof are respectfully requested.

However, claims 8 and 11 have been amended to positively recite the steps of i) to iii) as suggested by the Examiner so that the claimed methods for enhancing root growth of a plant, and enhancing resistance in a plant to obstacle-touching stress, respectively, are differentiated from a method of transforming a plant cell.

Therefore, it is believed that this rejection has been overcome.

Claim Rejections Under 35 U.S.C. § 102(b) over Doerner (U.S. Patent No. 6,166,293)

Claims 1 and 3-13 have been rejected as being anticipated by Doerner. Applicants traverse this rejection. Reconsideration and withdrawal thereof are respectfully requested.

However, the Examiner indicated that replacing the word “an” in claim 1 with the word “the” would overcome this rejection. To expedite the prosecution of this application, claim 1 has been amended to replace “an” with “the” as suggested by the Examiner.

Therefore, it is believed that this rejection has been overcome.

Claim Rejections Under 35 U.S.C. § 102(e) over Liu (U.S. Patent Publication No. 20040034888)

Claims 1 and 3-13 have been rejected as being anticipated by Liu. Applicants traverse this rejection. Reconsideration and withdrawal thereof are respectfully requested.

The Examiner states that the foreign priority papers cannot be relied upon to overcome this rejection because a translation of the priority document KR 10-2003-19069, filed March 27, 2003 has not been made of record. Accordingly, an English translation of KR 10-2003-19069 is enclosed herewith along with a copy of the translator’s certificate. It is believed that the effective priority date of the present application predates the effective filing date of Liu which is April 28, 2003.

Therefore, it is believed that this rejection has been overcome.

Allowable Subject Matter

Applicants acknowledge the Examiner’s indication that the subject matter of claim 2 is in allowable condition.

Conclusion

It is believed that the application is now in condition for allowance. Applicants request the Examiner to issue a notice of Allowance in due course. The Examiner is encouraged to contact the undersigned to further the prosecution of the present invention.

The Commissioner is authorized to charge JHK Law's Deposit Account No. **502486** for any fees required under 37 CFR §§ 1.16 and 1.17 that are not covered, in whole or in part, by a credit card payment enclosed herewith and to credit any overpayment to said Deposit Account No. **502486**.

Respectfully submitted,

JHK Law

Dated: April 24, 2006

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